



IT IS HEREBY ADJUDGED and DECREED that the below described is SO ORDERED.

Dated: December 13, 2017.


TONY M. DAVIS
UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
MIDLAND-ODESSA DIVISION

In re:

TERRY DWAYNE FOGARTY
and HEATHER DIANE FOGARTY

Debtors

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Case No. 16-70005 - TMD
(Chapter 13)

AGREED ORDER APPROVING MOTION TO MODIFY PLAN

Came on for consideration the Debtors' Motion to Modify the Chapter 13 Plan (docket #36) (hereafter the "Motion") and the response thereto filed by the Trustee, and the parties announced that an agreement had been reached concerning these matters. The Court is of the opinion that the agreement should be approved and that the Plan be modified, and it is accordingly ORDERED that:

1. The confirmed Plan is modified to provide for the surrender of collateral as described in the Debtors' Motion, being the collateral securing the claims of Modern Finance Company, Westlake Financial Services, and PRA Receivables Management LLC (as transferee of claim from Ally Financial); and

2. Debtors shall immediately surrender such collateral to such creditors if the collateral has not already been surrendered;

3. The regular Plan payments to be paid into the Plan are reduced to \$2,032.00 per month for the final 41 months of the Plan term, beginning in September 2017;

4. In addition to the regular monthly Plan payment of \$2,032.00 per month, beginning in September 2017 Debtors shall pay an additional \$207.00 per month to be applied to the Plan payment arrears of \$11,382.00 calculated as of the August 31, 2017, and such additional payment shall continue for 41 months or until all arrears are otherwise paid into the Plan by Debtors;

5. In addition to the above payments, on or before the 60th month of the plan term Debtors shall pay into the Plan \$2,895.00 to further cure current Plan arrears;

6. The base amount of the Plan payments as modified is \$132,152.00, and such base amount is subject to increase for applicable tax refund amounts pursuant to the Court's Standing Order for Chapter 13 Case Administration for this Division;

7. If Debtors' income increases upon new employment by either Debtor, Debtors shall file amended budget schedules in this case; and

8. Attorney for Debtors is allowed additional attorney fees in the amount of \$450.00 for filing the Motion and these fees be paid through the Plan at the rate of \$250.00 per month.

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AGREED:

/s/ Dorothy K. Lawrence
Dorothy K. Lawrence
Attorney for Debtors
Texas Bar No. 24072015

/s/ Gary Norwood
Gary Norwood
Chapter 13 Trustee